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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,833	06/27/2003	Kohki Takato	234258US-2RD CONT	4826
22850	7590	05/02/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGUYEN, HOAN C	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,833

Applicant(s)

TAKATO ET AL.

Examiner

HOAN C. NGUYEN

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/15/2005 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 32-3 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiyama (US4241339) in view of Koshimizu et al. (US005548420A).

In regard to claim 32, Ushiyama teaches (Figs. 2-3) a terminal comprising

- a driving circuit providing voltage;
- a first liquid crystal layer 28 displaying an image determined by said driving circuit;
- a second liquid crystal layer 27 on said first liquid crystal layer; the second liquid crystal layer including regions displaying a fixed image,

wherein

Claims 33 and 35-36:

- said fixed image comprises indicia (defining as identifying mark) including a visible figure, a letter or a logo.

Claim 37:

- said fixed image comprises a color (col. 6 line 49 to col. 7 line 3).

Claim 38:

- said fixed image formed by said first liquid crystal layer 27 is displayed at a front direction and said fixed image independent of said driving circuit is displayed at an oblique direction (with V_a), and said fixed image is formed by said second liquid crystal layer (with V_b).

Claim 39:

- a first image formed by said first liquid crystal layer is displayed at a front direction and said first image is screened by said fixed image independent of said driving circuit formed by said second liquid crystal layer at an oblique direction.

However, Ushiyama fails to disclose a fixed image system comprising a first alignment layer and a second alignment layers the first and second alignment layers sandwiching said second liquid crystal layer, said first and second alignment layers each including regions displaying a fixed image, with orientations of adjacent of said regions within each of said first and second alignment layers being different.

Koshimizu et al. teach

- a polymer-dispersed liquid crystal such that a liquid crystal exhibiting the nematic phase is dispersed irregularly in a polymeric material is loaded between a substrate and an opposing matrix electrode plate to fabricate a liquid-crystal display device and an electric field in accordance with image information is applied to the device via the matrix electrode, whereby the liquid crystal's alignment is controlled in such a way as to form light-transmitting or light-opaque areas (for the fixed image), thereby **effecting image display** (col. 3 lines 7-17), which is a fixed image system inherently comprising a first alignment layer and a second alignment layers the first and second alignment layers sandwiching said second liquid crystal layer, said first and second alignment layers each including regions displaying a fixed image, with orientations of adjacent of said regions within each of said first and second alignment layers being different.
- by illuminating the photoconductive layer with the laser beam from the optical image writing unit, an electric field is generated in the illuminated area and the liquid crystal's alignment is controlled accordingly to **effect image writing** (col. 6 lines 58-62), which is the fixing image inherently comprising a first alignment layer and a second alignment layers the first and second alignment layers sandwiching said second liquid crystal layer, said first and second alignment layers each including regions displaying a fixed image, with orientations of adjacent of said regions within each of said first and second alignment layers being different.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify a terminal as Ushiyama disclosed with the fixing image inherently comprising a first alignment layer and a second alignment layers the first and second alignment layers sandwiching said second liquid crystal layer, said first and second alignment layers each including regions displaying a fixed image, with orientations of adjacent of said regions within each of said first and second alignment layers being different for high resolution of the fixed image as taught by Koshimizu et al. (col. 6 lines 63-64).

2. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiyama (US4241339) in view of Koshimizu et al. (US005548420A) as applied to claims 32-33 and 35-39.

Ushiyama fails to disclose the fixed image comprising squares.

It would have been an obvious matter of design choice for the fixed image comprising squares [since applicant has not disclosed any reason that the square fixed image solves any particular problem or pertains any particular purpose].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify a terminal as Ushiyama disclosed with the fixed image comprising squares for design choice to form any visible figure or logo.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOAN C. NGUYEN whose telephone number is (571) 272-2296. The examiner can normally be reached on MONDAY-THURSDAY:8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim H. Robert can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HOAN C. NGUYEN
Examiner
Art Unit 2871


ROBERT H. KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800